

# **LABOR COMMISSION OPEN MEETING MINUTES**

**March 12, 2008**

**2:00 p.m.**

**Heber M. Wells Building  
160 East 300 South, Third Floor  
Salt Lake City Utah 84114**

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**PRESENT From the Labor Commission:**

Sherrie Hayashi, Commissioner  
Alan Hennebold, Deputy Commissioner  
Sara Danielson, Admin. Asst.  
Louis Silva, UOSH Administrator  
Heather Morrison, UALD Director  
Pete Hackford, Boiler & Elevator Safety Director  
Brent Asay, Wage Claim Manager  
Bill Adams, UOSH Technical Advisor  
Shaheen Saffuillah, UOSH  
Christin Torres, UOSH  
Robert Valdez, UOSH  
Mark LeBlanc, UOSH  
Rick Sturm, Boiler & Elevator Safety  
Mike Pederson, Boiler & Elevator Asst. Director

**OTHERS PRESENT:**

Bruce Dallin  
Jamie Sanosky  
Sharon Bishop  
Don Rigtrup, IM Flash Technologies  
Rob Masol  
Brandt Goble  
Gary Hatch, Geneva Rock Prod.  
Cameron Holman, Sunroc Corp.  
Mike Ellsworth, Sunroc Corp.

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**Alan Hennebold** began the meeting at 2:00 p.m. by explaining that **Commissioner Hayashi** had been detained in another meeting, but would be joining this meeting shortly.

**1. R616-3-3. Safety Codes for Elevators**

**Mike Pedersen** explained that this proposed rule change would update the codes the Division of Boiler and Elevator Safety was enforcing to the current national standards.

No public comments were made. The Commission will move forward with this proposed rule.

**Mr. Hennebold** asked the audience which of the remaining rules on the agenda they were there to address. The audience was in attendance to speak to the UOSH PPE rule R614-1-4. Therefore, **Mr. Hennebold** adjusted the order of the items on the agenda to have UOSH make their presentation next.

## **2. R614-1-4. Incorporation of Federal Standards Re: “Employer Payment for Personal Protective Equipment”**

**Bill Adams** presented this proposed rule. He explained that the essence of the rule has been in place for several years which requires employers to provide personal protective equipment. This proposed rule makes it clear that if the protective equipment is required under an OSHA standard, then the employer must pay for the equipment with certain exceptions.

Some discussion ensued as to when this rule would be effective and if there would be a grace period before citations would be issued. It was explained that the rule could become effective as soon as May 8, 2008, or during the next approximately 120 days. **Louis Silva**, UOSH Administrator, explained that UOSH would continue to cite for employers not providing the personal protective equipment, but the question of who paid for the equipment would not be cited for during approximately the first six months to a year.

The Commission will go forward with this proposed rule.

## **3. R610-2-6. Filing Procedures for Claims Regarding Employment of Minors**

**Brent Asay** explained that this proposed rule change removes the need for notarization of the claims. He stated that authorized agents could also sign the claims.

No public comment was made. The Commission will go forward with this proposed rule.

## **4. R610-3-4. Filing Procedures for Claims Regarding Wage Claims**

**Brent Asay** explained that this proposed rule change removes the need for notarization of the claims. He stated that authorized agents could also sign the claims.

No public comment was made. The Commission will go forward with this proposed rule.

## **5. R610-1-4. Tips, Gratuities, and Commissions**

**Brent Asay** explained that this proposed rule change clarifies the Commission’s existing rule for crediting an employee’s tip income against the employer’s minimum wage obligation. The rule also makes is mandatory for tip pooling or sharing arrangements to be in writing before implementation of the pooling or sharing.

Public comments were heard. **Monica Whalen**, Employers Council, stated that she serves on the UALD Advisory Council and that the council supported this rule change.

The Commission will go forward with this proposed rule change.

**Commissioner Hayashi** adjourned the meeting at 3:20.